

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

STEVE WILHELM,

Plaintiff,

v.

SANDAR AUNG,

Defendant.

No. 2:22-cv-2323 DB P

ORDER

Plaintiff, a state prisoner, has filed a document styled “Motion for Injunction and a Temporary Restraining order,” seeking a preliminary injunction and/or temporary restraining order. (ECF No. 1.) No other pleadings have been filed by the plaintiff. In order to commence an action, plaintiff must file a complaint as required by Rule 3 of the Federal Rules of Civil Procedure, and plaintiff must either pay the required filing fee or file an application requesting leave to proceed in forma pauperis. See 28 U.S.C. §§ 1914(a), 1915(a). The court will not issue any orders granting or denying relief until an action has been properly commenced. Therefore, plaintiff’s motion (ECF No. 1) will be denied without prejudice to its renewal once a complaint is filed. Plaintiff will be provided the opportunity to file his complaint, and to submit an application requesting leave to proceed in forma pauperis or to submit the appropriate filing fee.

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1 In accordance with the above, IT IS HEREBY ORDERED that:

2 1. Plaintiff's motion filed December 27, 2022 (ECF No. 1) is denied without prejudice;

3 2. Plaintiff is granted thirty days from the date of service of this order to file a complaint  
4 that complies with the requirements of the Civil Rights Act, the Federal Rules of Civil Procedure,  
5 and the Local Rules of Practice; the complaint must bear the docket number assigned this case;  
6 plaintiff must file an original and two copies of the complaint. Plaintiff shall also submit, within  
7 thirty days from the date of this order, the application to proceed in forma pauperis on the form  
8 provided by the Clerk of Court, or the filing fee in the amount of \$402.00. Plaintiff's failure to  
9 comply with this order will result in a recommendation that this matter be dismissed; and

10 3. The Clerk of the Court is directed to send plaintiff the court's form for filing a civil  
11 rights action, and the application to proceed in forma pauperis by a prisoner.

12 DATED: April 3, 2023

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15 DEBORAH BARNES  
16 UNITED STATES MAGISTRATE JUDGE  
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21 DB/DB Prisoner Inbox/Civil Rights/R/wilh2323.nocompl+3a(CDCR)  
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